

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**and**

**KATHY KOCH,**

**Intervenor/Plaintiff,**

**V.**

**LA WEIGHT LOSS CENTERS, INC.,**

**Defendant.**

**CASE NO.: WDQ 02-CV-648**

## JURY DEMANDED

**JOINT MOTION TO EXTEND DISCOVERY AND MODIFY SCHEDULE**

Pursuant to the Federal Rules of Civil Procedure, Rule 105 of the Local Rules of the United States District Court for the District of Maryland and the Court's May 25, 2004, Order Regarding Bifurcation and Scheduling (the "Order"), plaintiff EEOC and defendant LA Weight Loss Centers, Inc. (the "Parties") respectfully request that the Court enter an order extending the non-expert discovery period in this matter by five (5) months and adjusting all other dates set forth in the Order. Intervenor-plaintiff Kathy C. Koch neither joins nor opposes the Parties' request.

In support of this Motion, the Parties represent that they have diligently engaged in extensive discovery. To date, the Parties have exchanged in excess of 300,000 documents and taken over 45 depositions, including more than 20 claimants. Notwithstanding the Parties' efforts, they will not be able to complete discovery by the current February 25, 2005, deadline. The following factors give rise to this Motion: (1) the complexity of the factual and logistical

issues of a nationwide action alleging a multi-year pattern or practice of discrimination in over 25 states and jurisdictions; (2) the need to complete depositions of the claimants whom have been or will be designated by the Parties for deposition in Phase I of this bifurcated proceeding (approximately 60 claimants remain to be deposed); (3) a large number of party and non-party witnesses in several states whom still must be deposed; (4) ongoing document production, including a potentially enormous volume of electronic material and data requiring analysis by the Parties; and (5) ongoing negotiations mediated by the Honorable Judge Grimm, which the Parties hope will result in a complete settlement of this case.

Accordingly, for good cause shown, the Parties request that the Order be modified as follows: Non-expert discovery shall conclude on July 25, 2005; plaintiffs shall name expert witnesses and serve defendant with expert report(s) on or before August 25, 2005; defendant shall name expert witnesses and serve plaintiffs with expert report(s) on or before September 25, 2005; expert discovery shall be completed by October 25, 2005; dispositive motions with respect to Stage I issues shall be filed on or before November 25, 2005.

Counsel for the EEOC has consented to Defense Counsel filing this motion on behalf of both parties.

Dated: February , 2005

Respectfully submitted,

/ s /

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**Counsel for Plaintiff,  
Equal Employment Opportunity Commission**

Approved and So Ordered this \_\_\_\_ day of February, 2005

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William D. Quarles, Jr.  
United States District Court Judge